

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 1, 2000**

A. ROLL CALL

The Regular City Council meeting of November 1, 2000 was called to order by Mayor Mann at 7:00 p.m.

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mayor Mann

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Doug Hardt, Fairmont Seventh Day Adventist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Girl Scouts Tierra del Oro Color Guard Unit.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Mayor Mann presented Community Improvement Awards to the following for their individual contributions to the improvement of Lodi:

- Charles and Shirley Johnson, property owners of 341 E. Locust Street

Community Improvement Manager Wood explained that the residential property owners at 341 E. Locust Street are being recognized for their dedication through the years in maintaining their property impeccably. He described the property as an oasis among the run down properties in the area.

Shirley Johnson stated that her father built the house in 1935 and took pride in everything he did. They maintain the home and the property according to how he would have wanted it.

- Lodi House, a shelter for women and children at 801 S. Washington Street

Mr. Wood stated that this award was not just for the improvements to the property at 801 S. Washington, but also for providing a well-needed service to the community. He recognized Lodi House for providing a shelter for women and children, and noted that Lodi House is very limited in space and they are constantly in need of additional facilities.

Accepting the award on behalf of Lodi House was Frank Sasaki, who acknowledged board members who were present.

D-3 (a) Theresa Yvonne, Arts Coordinator, updated the City Council on the many activities and accomplishments of the Lodi Arts Commission, including:

- The production of *The Secret Garden*, which just finished this weekend, was one of the best, quality shows that has been on the Hutchins Street Square stage thus far.
- On November 2, the Traveling Lantern Theater Company will perform the children's story, *Pinocchio*, at 10:00 a.m. for school groups and 4:00 p.m. for the general public.
- On December 8, the Lodi Arts Commission presents the Dmitri Matheny Group performing *A Charlie Brown Christmas* for school children at 10:00 a.m. and noon.
- Announced the new Arts Commission mission statement: "The mission of the Lodi Arts Commission is to inspire, encourage, and promote the arts in the community".

D-3 (b) Tim Harris, Lodi High School Band Director, made a presentation to the City Council on the 25th Grape Bowl Classic, which will be held Saturday, November 4, 2000. The Grape Bowl Classic is a high school band review for the State of California, as well as bands

from Utah, Nevada, and Idaho. There will be a jazz competition that takes place at Lodi High School, a parade competition on Elm Street in front of Reese School, and a field show and awards ceremony at the Grape Bowl. It is a joint venture between the three Lodi Unified High Schools – Lodi, Tokay, and Bear Creek. The proceeds go towards benefiting the local high school and middle school music programs. There will be 27 bands this year, with 1500 anticipated visitors. Marching competitions start at 8:00 a.m. and field show awards will end at 9:00 p.m. The parade route will begin at Lodi High School, continue down Pacific, and up Elm Street towards Lower Sacramento Road. The students will then be bused back to the Grape Bowl for awards.

Council Member Pennino stated that for the last seven years he has asked that the band come downtown to Church Street and use the Hutchins Street Square Auditorium for the jazz festival.

Mr. Harris replied that they would be open to moving it downtown; however, there is a cost issue with Hutchins Street Square, even when it is offered "at cost". Logistics are also a problem in that they need to park 25 – 30 buses, so they would need to shut down most of the streets around Hutchins Street Square. Mr. Harris introduced two students present: Noah Suess, Drum Major, and Molly Prima, Color Guard Captain.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- E-1 Claims were approved in the amount of \$2,956,985.59.
- E-2 The minutes of October 10, 2000 (Shirtsleeve Session), October 17, 2000 (Shirtsleeve Session), October 17, 2000 (Special Meeting), and October 18, 2000 (Regular Meeting) were approved as written.
- E-3 "Approve plans and specifications and authorize advertisement for bids for Eastside Lighting Project, Phase 3" ***was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-4 Adopted Resolution No. 2000-188 authorizing the purchase of one multi-angle camera and one self-propelled transporter for the Water/Wastewater Division from ELXSI dba CUES, of Orlando, Florida, in the amount of \$28,858.50.
- E-5 "Adopt resolution awarding the contract for the Municipal Service Center (MSC) Reroof Project, 1331 South Ham Lane, to Kodiak Roofing and Waterproofing Co. (\$108,400); and appropriate \$125,000 for the project" ***was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-6 Accepted the improvements under the "2000 Handicap Ramp Retrofit Project, Various Locations" contract.
- E-7 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas & Company for design of Kettleman Lane Widening from Woodbridge Irrigation District Canal to Tienda Drive; and appropriate \$250,000 for the project" ***was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-8 "Adopt resolution approving establishment of Building Permit Fee Discounts for the Central City Revitalization Incentive Program" ***was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***

- E-9 Authorized the City joining the amicus brief requesting Certiorari of the United States Supreme Court in the case of Lim v. City of Long Beach, United States Court of Appeals, 9th Circuit.
- E-10 Authorized the City joining the amicus brief in the case of Cornette v. Department of Transportation, California Supreme Court No. S089010.
- E-11 Authorized the City joining the amicus brief requesting Certiorari by the United States Supreme Court in the case of Young v. City of Simi Valley, United States Court of Appeals, 9th Circuit.
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-3 "Approve plans and specifications and authorize advertisement for bids for Eastside Lighting Project, Phase 3"

Council Member Hitchcock asked Public Works Director Prima to inform the public about which streets will benefit from the lighting.

Mr. Prima reported that the following streets will be included in the Eastside Lighting Project, Phase 3, and are due to be completed in February or March 2001:

- Cherry Street, between Central and Garfield
- Cherry Street, between Stockton and Washington
- Harold Street, between Central and Garfield
- Eden Street, between Washington and Garfield
- Flora Street, between Washington and Central
- Redwood Street, between Stockton and Washington
- Maple Street, between Stockton and just east of Garfield Street

In response to Mayor Pro Tempore Nakanishi, Mr. Prima stated that Public Works is doing a major sidewalk replacement project on Pine Street as part of the annual program. They also completed a number of slurry seals on Main and Garfield Streets, near Pine, and are proceeding with the water and sewer replacement program, which will begin next year. In addition, Public Works staff will conduct a public meeting at the East Side Improvement Committee's November 2nd meeting regarding Stockton Street between Tokay and Lockeford Streets.

MOTION:

The City Council, on motion of Council Member Hitchcock, Land second unanimously approved the plans and specifications for Eastside Lighting Project, Phase 3, and authorized advertising for bids.

- E-5 "Adopt resolution awarding the contract for the Municipal Service Center (MSC) Reroof Project, 1331 South Ham Lane, to Kodiak Roofing and Waterproofing Co. (\$108,400); and appropriate \$125,000 for the project"

Council Member Hitchcock asked what the \$16,600 difference was between the high bid of \$108,000 and staff's requested appropriation of \$125,000.

Public Works Director Prima replied that they routinely appropriate an additional amount to cover contingencies during the course of the contract. In the case of a roof replacement, the question is structural work that may be needed after the roofing is removed or the possibility of asbestos. The additional amount varies considerably based on the project.

MOTION:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2000-189 awarding the contract for the Municipal Service Center (MSC) Reroof Project, 1331 South Ham Lane, to Kodiak Roofing and Waterproofing Co., of Loomis, in the amount of \$108,400; and appropriated \$125,000 in accordance with staff recommendation.

- E-7 "Adopt resolution authorizing the City Manager to execute a professional services agreement with Mark Thomas & Company for design of Kettleman Lane Widening from Woodbridge Irrigation District Canal to Tienda Drive; and appropriate \$250,000 for the project"

Council Member Hitchcock questioned if the right-of-way acquisition and intersection controls mentioned in the report will cause traffic delays.

Public Works Director Prima reported that the City was very successful in working with the San Joaquin County Council of Governments (COG) to get \$1.7 million toward the project, and they hope there will be no delays. Some of the older homes will probably go away as the area develops. Lakeshore Drive may require additional study as far as intersection control. The installation of a median is being considered in order to get left-turn access into Lakeshore Drive, similar to the Mervyn's driveway on Kettleman Lane between Crescent and Hutchins Street where there is a left turn in only, but not out. This project may occur in 2001.

MOTION:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2000-190 authorizing the City Manager to execute a professional services agreement with Mark Thomas & Company for design of Kettleman Lane widening from Woodbridge Irrigation District (WID) Canal to Tienda Drive; and appropriated \$250,000 for the project.

- E-8 "Adopt resolution approving establishment of Building Permit Fee Discounts for the Central City Revitalization Incentive Program"

Council Member Hitchcock asked if the discounts apply to both tiers in the assessment district, or just the central tier.

Community Development Director Bartlam replied that the A-1 Zone is the central core, which pays the higher assessment. The A-2 Zone is the outlying downtown assessment district and will not receive as high of a discount.

MOTION:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously adopted Resolution No. 2000-191 approving the establishment of Building Permit Fee Discounts for the Central City Revitalization Incentive Program.

F. PUBLIC HEARINGS

None.

G. COMMUNICATIONS (CITY CLERK)

G-1 On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Land, Pennino second, unanimously rejected the following claim:

a) Ron Dunlap, date of loss 4/16/00

G-2 Alcoholic Beverage Control Licenses – None

G-3 The following report was presented to the City Council:

a) Planning Commission report of October 11, 2000

G-4 The following postings/appointments were made:

a) The City Council, on motion of Council Member Pennino, Land second, unanimously directed the City Clerk to post for the following expiring terms and vacancies on various boards and commissions:

East Side Improvement Committee

Pamela Castro (vacancy)	Term to expire March 1, 2001
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Lodi Senior Citizens Commission

Perry Schimke	Term to expire December 31, 2000
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Parks and Recreation Commission

Patty Steward	Term to expire December 31, 2000
Scott Davis	Term to expire December 31, 2000

G-5 Miscellaneous – None

H. REGULAR CALENDAR

None.

I. ORDINANCES

None.

J. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hitchcock reminded the public to vote on Election Day, November 7.
- City Manager Flynn made the following announcements:
 - The Sandhill Crane Festival will be held at Hutchins Street Square on November 3 – 5;
 - The Fire Chief assessment will take place on November 17; and
 - Upcoming birthdays are Janet Hamilton on October 31; Cynthia Haynes on November 5; Nancy Martinez on November 18; and Susan Lake on December 1.
- Public Works Director Prima announced that on November 2 at 7:00 p.m., Public Works will conduct a public meeting on the Wastewater Treatment Master Plan at the Carnegie Forum.

- Council Member Land asked for the date of the upcoming Greenbelt public forum. Community Development Director Bartlam reported that the community forums are scheduled for November 13 at Hutchins Street Square and November 16 at Julia Morgan School in North Stockton.
- Mayor Mann asked Electric Utility Director Vallow to speak on the recent news articles regarding deregulation.

Electric Utility Director Vallow responded that, immediately, the rolling back of deregulation will not have an impact in our projected prices because Lodi has its own resources. Our costs are capped at our underlying costs of that resource. Other investor-owned utilities in the state have been ordered by the state to divest themselves of their resources, so their costs are capped at whatever the market will bear. The only cost exposure that the City has now that is variable, is fuel cost. Electric Utility's projections are that we will stay right on budget if not a little better. As far as the threat of rolling brownouts or blackouts next summer, the City will be impacted if the interconnected grid is impacted. Mr. Vallow expressed concern that the Governor is getting involved. He noted that the Governor will be unveiling his plan later this month or the next to "save the California energy markets". He felt that the risk that the City has now is mainly a political one. He indicated that Lodi does not have a resource problem and does not anticipate one unless too many people in Sacramento, and perhaps Washington D.C., react too quickly to help "fix the problem". Mr. Vallow surmised that it is a market problem and will correct itself within the next 3 – 5 years.

In response to questions by Council Member Hitchcock, Mr. Vallow commented that everyone involved with deregulation in 1992 is now distancing themselves from any part of any decision they had in it. He stated that California has not changed a great deal in the last 30 years and has a very unique environment and climate. Coal-fired and oil-fired powered plants cannot be built here. New technologies are expensive and drive up the price. The demand in California has skyrocketed with the increased building and growth in the Bay Area and with the high-tech industry. Lodi planned conservatively with a 1.5 – 2% load growth, but has had 4 – 4.5% load growth for multiple years. He indicated that due to the burden of re-regulations and environmental processes, only market players build electric utility plants now – and even they are not certain that they will be able to recover their full investment in the plant.

Council Member Hitchcock questioned whether prices in Lodi would be effected if some of the deregulation is rolled back. Mr. Vallow reiterated that it would not, as Lodi is in a stable risk profile.

- Mayor Mann asked for a status report on the Skate Park.
Community Development Director Bartlam reminded the Council that they are in the process of preparing the environmental document on the potential impacts of the park. Chief amongst those potential impacts are noise. The analysis came in earlier this week, and the document will be out for public review and comment for 30 days starting next week. At that point, the project can come back before the Council, perhaps at the second meeting in December, for the various approvals that are necessary.
Public Works Director Prima added that staff is working on the design of the slab and has an agreement drafted with Spohn Ranch that staff is now reviewing. There are still some cost details to work out with them and what they want in terms of the size of the facility and how it will lay out.

L. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at 7:43 p.m. to a Closed Session to discuss the following matter:

- L-1 Prospective acquisition of real property located at 302 Route Highway 12, Lodi, California, APN 058-03-001; the negotiating parties are City of Lodi and Carolyn Reichmuth; Government Code §54956.8

Continued November 1, 2000

M. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at 7:52 p.m., and it was disclosed that the City Council, on motion of Mayor Mann, Pennino second, unanimously authorized staff to obtain property appraisal.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:53 p.m.

ATTEST:

Susan J. Blackston
City Clerk